

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

Plaintiff,

v.

**ORDER DENYING DEFENDANTS'
REQUEST FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION**

KURT F. JOHNSON and DALE SCOTT
HEINEMAN,

Defendants.

On August 12, 2011, defendants Kurt F. Johnson and Dale Scott Heineman moved, via separate motions for reconsideration of the order denying their motions to vacate, set aside, or correct their sentences under Section 2255 (Dkt. Nos. 760, 762). The motions were denied because “[e]ven if th[e] order were to construe the motions as motions for leave to file motions for reconsideration, they do not present a material difference in fact or law from that which was presented previously, the emergence of new facts or a change of law since that time, or a manifest failure by the Court to consider material facts or dispositive legal arguments” (Dkt. No. 763).

On September 2, 2011, defendants filed, via separate motions, their second motions for reconsideration (Dkt. Nos. 764, 765). The motions were denied for the reasons stated in the first order of denial of reconsideration (Dkt. No. 766).

On September 29, 2011, defendants filed, via separate motions, their third motions for reconsideration (Dkt. Nos. 768, 769). The motions were denied as they did not clearly state what

1 orders defendants sought to be reconsidered and there was no basis upon which to grant leave to
2 file a motion to reconsider (Dkt. No. 774).

3 On November 28, 2011, defendants filed a joint motion for leave to file a motion to
4 reconsider "all previous orders of the court" (Dkt. No. 775). The generalized request for
5 reconsideration of all orders was denied (Dkt. No. 777).

6 Defendants have filed another motion to request leave to file a motion for reconsideration,
7 raising issues already rejected in the various orders recounted herein. Thus, the instant motion for
8 leave to file a motion for reconsideration is **DENIED**.

9 Defendants shall not file any additional motions for reconsideration or requests for leave
10 to file a motion for reconsideration that assert the same arguments raised in the motions addressed
11 in this order.

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13 **IT IS SO ORDERED.**

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15 Dated: January 24, 2012.



16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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